

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No. 71728

David H. Jackman  
Inge Leigh Jackman

6802 Highview Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on September 8, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-5-302, failure to scrape and paint all exposed wood surfaces on residential property.

On August 8, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jason Seidelman issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The following persons appeared for the Hearing and testified: David H. Jackman, Respondent and, Jason Seidelman, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued December 3, 2009 to scrape and repaint all areas where peeling and flaking paint occurs, repair damaged front gutter. This Citation was issued August 16, 2010.

B. Inspector Jason Seidelman testified that a Correction Notice was previously sent to Respondent in June 2008 for the same issues. He testified that the wood surfaces on the house have peeling paint and need to be scraped and painted, and that the front gutter needs to be fixed. He testified that he granted several extensions at the property owner's request because he was told that a contractor was being lined up to do the work. Re-inspection prior to this Hearing found the repairs have not been made. Photographs in the file show peeling paint and bare wood on the window frames and the roof fascia and show that the front horizontal rain gutter is damaged and partially detached from the roofline.

C. Respondent David Jackman testified that he has been out of work and was unable to afford the needed repairs and painting. He testified that he has talked to the County's Office of Community Conservation but was not eligible for assistance. He testified that he had a contractor scheduled for \$1,800.00 but the contractor did not show up to do the work. He is obtaining estimates from other contractors and hopes to get the work done this fall.

D. Respondent is required by law to maintain the exterior of the house at least in conformance with county code standards, including keeping all "[e]xposed surfaces of metal or wood in good repair, in a structurally sound condition, and protected against decay, rust, peeling, or flaking." BCC Section 35-5-302. The exposed wood must be scraped and painted, and the gutters must be repaired. This Citation will be enforced; but because compliance is the goal of code enforcement, the civil penalty will be rescinded if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by November 15, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 17<sup>th</sup> day of September 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

MZF/jaf